



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,342	05/18/2005	Francesco Ambrico	BEAUMONT-18	3907
45722	7590	11/13/2006	EXAMINER	
PLEVY & HOWARD, P.C.			KNOX, STEWART	
P.O. BOX 226			ART UNIT	
FORT WASHINGTON, PA 19034			PAPER NUMBER	

3641

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/535,342	Applicant(s) AMBRICO, FRANCESCO	
	Examiner Stewart T. Knox	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10 is/are rejected.
- 7) ☒ Claim(s) 2 and 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2 and 9 are objected to because of the following informalities: they appear to claim the same element twice. Both previously referred to elements 86 and 88, and are now “at least one flexible member” and “at least one flexible tab.” Applicant is requested to clarify if these are still intended to refer to the same object, or duplicates of similar objects, or if another structure was intended. For the purpose of examination, they will be treated as the same element. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Karkau (5,361,524). Karkau discloses a system for projecting light elements in the air, comprising a casing (figures 1 and 2, elements 12 and 70) connected to a reservoir (containing 80) containing the light elements (80) and comprising an opening (40 through 78) extending along a determined direction, a slide (50) capable of sliding in the opening along the determined direction, a striker (fig. 3 elem. 90) arranged in the opening and fixed with respect to the opening, a spring (56) for sliding the slide in the opening, a shoulder (112) in the opening blocking the slide with respect to the casing in

Art Unit: 3641

a stop position (col. 4 lines 33-38), a compressed gas cartridge (82) being slid along with the slide (when the slide strikes the cartridge) and, when the slide is blocked in the stop position, being projected against the striker to be opened by the striker (col. 3 lines 58-68, col. 4 lines 1-7), a channel (88) for leading the gases released on opening of the cartridge towards the reservoir,

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karkau as applied to claim 1 above, and further in view of Cocho (1,681,172).

Karkau discloses the claimed invention including a spring comprising a helical spring with a first end connected to the casing and a second end connected to the slide wherein it is compressed in the arming position and released to slide the slide to the stop position and at least one protrusion (30) extending from the slide and for blocking the slide with respect to the casing in an arming position in which the slide is more distant from the striker than in the stop position. Karkau does not disclose the specific releasing mechanism that includes a flexible member, reinforcing piece, leg, and protrusion.

Art Unit: 3641

5. Cocho teaches a spring-loaded striker-based release mechanism. This mechanism comprises a slide with a body (15) and a shoulder (21), at least one flexible member or flexible tab (pivoted clip 18) for releasing the slide to slide into the opening (13) from the arming position, at least one reinforcing piece (stem portion of pivoted clip 18, roughly designated by element 20) connected to the body by a leg (leaf spring under clip 18), the shoulder (21) receiving the reinforcing piece (20) to block the slide in the arming position (figure 3), the leg being deformable to release the reinforcing piece from the shoulder. In addition, the flexible tab is manually actuated and capable of deforming the leg to release the reinforcing piece from the shoulder (page 2, column 1, lines 24-49). Cocho is analogous art because it uses a spring-loaded slide mechanism to propel a striker against a cartridge and use energy stored in the cartridge to propel objects.

6. The preceding launch structure of Cocho is provided in order to allow the system to have the appearance of a standard fountain pen with a clip, in order to carry it around conveniently. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system for projecting elements of Karkau with the spring-loaded release mechanism structure as taught by Cocho, since such a modification would provide the system with a release mechanism that doubles as a convenient carry and storage mechanism.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karkau and Cocho as applied to claims 1 and 5 above, and further in view of Fegley (4,454,963). Karkau in combination with Cocho teaches the claimed invention except for a mobile arm and an electromagnet. Fegley teaches a gas-dispensing device with a

Art Unit: 3641

cartridge (figure 5) that has means for deforming a leg (41) comprising a mobile arm (36) that can be actuated electromagnetically (col. 9 lines 1-5). Fegley does not explicitly state why the electromagnetically actuated mobile arm is used, but it appears that it is used to allow remote or automatically activated control of the device, or allow for precise timing control. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the projection system of Fegley and Du with the electromagnet and mobile arm of Fegley, since such a modification would provide the projection system with means for remotely, automatically, or precisely controlling the actuation of the system.

Response to Arguments

8. Applicant's arguments filed 8/31/2006 have been fully considered but they are not persuasive.

9. With respect, it appears that Applicant's interpretation of Karkau is mistaken. The element that blocks the slide in the stop position is the forward end 112, as cited above, and thus constitutes the shoulder. Karkau discloses that the gas cartridge and slide move together until the slide is blocked in the stop position by the shoulder 112, at which point the cartridge is projected against the striker to be opened by the striker (col. 4 lines 33-38).

10. The Examiner has clarified the rejection above to more clearly state each element of structure cited by the Applicant, and to update elements that used to refer to "means for" terms.

Allowable Subject Matter

11. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stewart T. Knox whose telephone number is (571) 272-

Art Unit: 3641

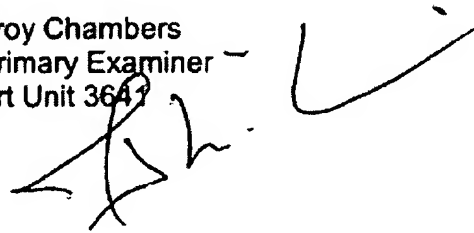
8235. The examiner can normally be reached on Monday through Thursday, 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stewart Knox

Troy Chambers
Primary Examiner
Art Unit 3641



TC
11/08/2006